

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

LAMONT VAN HARRIS,

Petitioner,

v.

CIVIL ACTION NO. 2:14-cv-21022
(Criminal No. 2:11-cr-00240)

UNITED STATES OF AMERICA,

Respondent.

ORDER

On July 8, 2014, Movant Lamont Van Harris filed a *pro se* letter-form motion to set aside his conviction under 28 U.S.C. § 2255 and requesting a § 2255 motion form [ECF 130]. By Standing Order entered on May 7, 2014, Movant's motion was referred to Magistrate Judge Cheryl A. Eifert on July 14, 2014, for the submission of proposed findings of fact and a recommendation for disposition. On August 6, 2014, Magistrate Judge Eifert Court ordered the Clerk of Court to provide Movant with a § 2255 form and with a copy of the instructions on how to complete and file the form. After receiving the motion form, on October 3, 2014, Movant filed a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [ECF 135]. The United States filed a response on October 22, 2014.

On November 7, 2014, Movant moved to withdraw his § 2255 motion [ECF 138]. Movant asserted that his § 2255 motion "lacks constitutional grounds where constitutional questions exist," that "petitioner inadequately asserted conflict of interest claims," and that his § 2255 motion was frivolously filed. Movant also noted that he is indigent and without legal


skills and knowledge to prepare motions, that he obtained legal assistance from an inmate litigator, and that he wishes to re-characterize his motion.

Accordingly, the Court **GRANTS** Movant's motion to withdraw his § 2255 motion [ECF 138], **DENIES AS MOOT** Movant's § 2255 motions [ECF 130 & 135], and **DIRECTS** the Clerk to remove this case from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 30, 2014

A handwritten signature in blue ink, appearing to read 'Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE